

In re Janssen et al.  
Appln. Serial No. 09/942,135  
Filed August 29, 2001  
Page 6 of 13

### **REMARKS**

Applicants have amended Claim 1 to address various of the rejections under 35 U.S.C. § 112 included in the Office Action mailed October 4, 2004 ("the First Office Action"). Otherwise, the First Office Action rejects each of pending Claims 1 and 3-8 as obvious in view of U.S. Patent Publication No. 2003/0225923 to Cyr ("Cyr") and U.S. Patent Publication No. 2003/0016685 to Berggreen ("Berggreen"). Claims 2 and 9-12 stand rejected under Section 103 as obvious over Cyr, Berggreen and one of U.S. Patent Publication No. 2002/0035620 to Takahashi ("Takahashi") or U.S. Patent No. 6,757,289 to Cain ("Cain"). As discussed below, Applicants respectfully submit that the primary reference cited in the pending rejections – the Cyr reference – does not disclose or suggest various of the claim recitations that the First Office Action cites to Cyr as disclosing. As such, Applicants submit that the rejections of Claims 1-12 under 35 U.S.C. § 103 should also be withdrawn.

Applicants have also added new Claims 13-18 to the present application.

#### **I. The Rejections Under 35 U.S.C. 112**

##### **A. The Indefiniteness Rejections**

Claim 1 stands rejected under 35 U.S.C. § 112 as being indefinite because "it is not made explicitly clear if the 'first input queue' corresponds to the 'first output queue' and if the 'second input queue' corresponds to the 'second output queue'" and because it is "unclear how the 'first queue group' relates to the 'second queue group.'" (First Office Action at ¶ 2a). Applicants respectfully traverse this rejection.

Claim 1 is directed to a method for gathering status information in a message queuing transmission system. The message queuing transmission system may include a plurality of queues, each of which may be assigned to an input queue group, an output queue group, or possibly some other queue group or to no queue group at all. As shown in Fig. 1, there may be different numbers of input queues and output queues, and no particular relationship is required between the specific input queues and output queues. Accordingly, no correspondence between particular input queues and particular output

In re Janssen et al.  
Appln. Serial No. 09/942,135  
Filed August 29, 2001  
Page 7 of 13

queues are recited in Claim 1. Applicants respectfully submit that the lack of such correspondence does not render Claim 1 indefinite. Instead, Claim 1 is directed to a system that gathers, in a task monitoring storage area, information relating to various of the queues in the message queuing transmission system. (*See, e.g.*, the last clause of Claim 1). The gathering of this information does not require any specific relationship between specific input and output queues. Moreover, as described in the specification, data collected relating to the output queues may be used, for example, to monitor external downstream applications whereas data collected relating to the input queues may be used, for example, to monitor external upstream applications. A specific correspondence between specific input and output queues is thus not required for such monitoring activities.

Claim 1 also stands rejected under 35 U.S.C. § 112 as being indefinite because "it is not made explicitly clear . . . what the [processing] task is doing or performing." (First Office Action at ¶ 2b). Applicants also respectfully traverse this rejection.

As discussed in the specification, a "processing task" is a computer implemented process "that is able to read a plurality of incoming messages from at least one input queue, and to write a plurality of outgoing messages into at least one output queue." (Specification at 4). Thus, the "processing tasks" refer to, for example, software and/or hardware processes that implement part or all of the message queuing transmission system. Applicants have amended Claim 1 to expressly recite more information regarding the processing tasks. In light of this amendment to Claim 1, Applicants respectfully submit that the phrase "processing task" in Claim 1 is not indefinite.

Claim 1 further stands rejected under 35 U.S.C. § 112 as being indefinite based on the claim language "determining a first number of messages . . ." and "determining activation status" because "it is not made explicitly clear . . . who or what is doing the determining." (First Office Action at ¶¶ 2c and 2d). Applicants also respectfully traverse these rejections.

Claim 1 recites that the claimed method is "[a] computer implemented method" that is implemented in "a message queuing transmission system." (*See* Claim 1 at

In re Janssen et al.  
Appln. Serial No. 09/942,135  
Filed August 29, 2001  
Page 8 of 13

Preamble). Accordingly, the claim does make clear that the recited "determining" steps are implemented by the message queuing transmission system. In any event, Applicants respectfully submit that even if Claim 1 did not specifically identify who or what performed these "determining" steps this would not render the claim indefinite. Instead, the claim would simply be drafted broadly to encompass anything that performed the determining operations. As such, for each of the above reasons, Applicants respectfully submit that the rejections of paragraphs 2c and 2d in the First Office Action should also be withdrawn.

Claim 1 further stands rejected under 35 U.S.C. § 112 as being indefinite based on the claim language "up-stream and down-stream software applications." (First Office Action at ¶ 2e). Applicants have amended Claim 1 to delete reference to these software applications, thereby rendering this rejection moot.

Claim 4 stands rejected under 35 U.S.C. § 112 as being indefinite based on the claim language "error-log queue" because "it is not made clear . . . whether this belongs to the first queue group or the second queue group and it is unclear how this queue differs with the other queues." (First Office Action at ¶ 2f). Applicants also respectfully traverse this rejection.

As shown in Fig. 1 and described in the specification, the error log queue 116 is used to store error information. (*See, e.g.*, Specification at 7 and Fig. 1). It does not specifically relate to the various other queues recited in Claim 4, but instead receives error messages from one or more processing tasks. Accordingly, the error log queue does not need to belong to either the first queue group or the second queue group (it is not in either group in the embodiment of Fig. 1), and how this queue differs from the other queues and the function/operation of the error-log queue is expressly recited in Claim 4. Accordingly, Applicants respectfully submit that the recitation "error-log queue" of Claim 4 does not render Claim 4 indefinite.

Finally, Claim 9 stands rejected under 35 U.S.C. § 112 as being indefinite based on the claim language "reply queue" because "it is unclear whether this belongs to the first queue group or the second queue group and it is unclear how this queue differs with

In re Janssen et al.  
Appln. Serial No. 09/942,135  
Filed August 29, 2001  
Page 9 of 13

the other queues." (First Office Action at ¶ 2g). Applicants also respectfully traverse this rejection. As shown in Fig. 1 and described in the specification, the reply queues may be used to hold reply messages that, for example, acknowledge the reception of outgoing messages. (Specification at 7 and Fig. 1). Fig. 1 makes clear that the reply queue need not belong to either the "first queue group" or the "second queue group." Claim 9 also expressly recites how the reply queue differs from the other queues and the function/operation of the reply queue (*i.e.*, it receives a reply message that is generated in response to an outgoing message). Accordingly, Applicants respectfully submit that the recitation "reply queue" of Claim 9 does not render Claim 9 indefinite.

#### **B. The Incompleteness Rejections**

Claim 1 stands rejected under 35 U.S.C. § 112 as being "incomplete for omitting essential structural cooperative relationships of elements." In particular, Claim 1 stands rejected because "there is no established structural relationship with 'monitoring' (line 1) to anything else in the claim." (First Office Action at ¶ 3a). While Applicants disagree with this rejection, to move prosecution forward, Applicants have amended Claim 1 to replace the word "monitoring" with the phrase "gathering status information," which has a clear established structural relationship with the body of the claim (*see, e.g.*, the last clause of Claim 1, reciting "gathering, in a task monitor storage area . . ."). Accordingly, Applicants amendment to Claim 1 renders the rejection under paragraph 3a of the First Office Action moot.

Claim 1 also stands rejected under 35 U.S.C. § 112 as being "incomplete for omitting essential structural cooperative relationships of elements" based on the phrases "up-stream and down-stream software applications." (First Office Action at ¶ 3b). As noted above, Claim 1 has been amended to delete the reference to "up-stream and down-stream software applications," thereby rendering moot the rejection of paragraph 3b of the First Office Action.

In re Janssen et al.  
Appln. Serial No. 09/942,135  
Filed August 29, 2001  
Page 10 of 13

## **II. The Rejections Under 35 U.S.C. 103**

### **A. The Rejection of Claim 1**

Claim 1 stands rejected under 35 U.S.C. § 103(a) as obvious over Cyr in view of Berggreen. Claim 1, as amended herein, recites as follows:

1. (Currently Amended) A computer implemented method for gathering status information in a message queuing transmission system, the method comprising:

- [a] forming a first queue group by assigning an input queue group identifier to a first input queue and to a second input queue within a message queuing transmission system;
- [b] forming a second queue group by assigning an output queue group identifier to a first output queue and to a second output queue within the message queuing transmission system;
- [c] assigning a first queue identifier to the first input queue, a second queue identifier to the second input queue, a third queue identifier to the first output queue, and a fourth queue identifier to the second output queue;
- [d] assigning a task identifier to a processing task within the message queuing transmission system;
- [e] determining a first number of messages stored in the first input queue, a second number of messages stored in the second input queue, a third number of messages stored in the first output queue, and a fourth number of messages stored in the second output queue;
- [f] determining an activation status of the processing task; and
- [g] gathering, in a task monitor storage area, the first number of messages stored in the first input queue, the second number of messages stored in the second input queue, the third number of messages stored in the first output queue, the fourth number of messages stored in the second output queue, and the activation status of the processing task.

The First Office Action states that Cyr teaches all of the recitations of Claim 1 except for recitation [e] above. (First Office Action at ¶ 3). Applicants disagree, however, with the conclusions stated in the First Office Action regarding the teachings of Cyr.

In re Janssen et al.  
Appln. Serial No. 09/942,135  
Filed August 29, 2001  
Page 11 of 13

For example, the First Office Action states that paragraphs 29, 30 and 48 of Cyr teach recitations [a] and [b] of Claim 1. However, paragraphs 29-30 have nothing whatsoever to do with forming first or second queue groups by assigning group identifiers to queues – instead these paragraphs of Cyr discuss "sub-process identifiers." In Cyr, a sub-process is a processing step that has nothing to do with queues. (*See, e.g.*, Cyr at Fig. 1 and ¶ 25). In fact, the First Office Action itself recognizes this by citing to the sub-processing identifiers as teaching "assigning a task identifier to a processing task." (*See* First office Action at p. 4, ¶ 3). Paragraph 48 of Cyr, while stating that each sub-process may have an input queue and an output queue, does not disclose or suggest forming first or second queue groups by assigning group identifiers to queues as claimed in recitations [a] and [b] of Claim 1. Accordingly, Applicants respectfully submit that paragraphs 29-30 and 48 of Cyr simply fail to disclose or suggest recitations [a] or [b] of Claim 1.

The First Office Action next states that Cyr, at paragraphs 25 and 30, teaches recitation [d] of Claim 1. The cited portions of Cyr teach that a "sub-process identifier" may be assigned to each sub-process of a sample process such as, for example, an "Order to Cash" process. However, recitation [d] of Claim recites "assigning a task identifier to a processing task within the message queuing system." In contrast, as clearly shown in Fig. 2 of Cyr, the "sub-processes" of Cyr are not part of a message queuing system (*i.e.*, they clearly are not part of the "message broker"), but instead are external steps in an overall process flow. Thus, Cyr likewise fails to disclose or suggest recitation [d] of Claim 1.

The First Office Action next states that Cyr, at paragraph 35, teaches recitation [f] of Claim 1. However, the cited paragraph of Cyr simply has nothing to do with "determining an activation status of the processing task." Instead, the cited paragraph states that the system of Cyr allows for trend analysis regarding variations in the process, such as, for example, how the timing of the Order to Cash process varies by season. Applicants respectfully submit that Cyr thus also fails to disclose or suggest recitation [f] of Claim 1.

In re Janssen et al.  
Appln. Serial No. 09/942,135  
Filed August 29, 2001  
Page 12 of 13

Finally, the First Office Action states that Cyr, at paragraph 48 and Fig. 2, teaches recitation [g] of Claim 1, which involves gathering information regarding the number of messages stored in various queues and the activation status of the processing task in a task monitor storage area. However, neither Fig. 2 nor paragraph 48 of Cyr disclose or suggest recitation [g]. In fact, there is no mention of gathering information regarding the number of messages stored in various queues in the cited portions of Cyr, nor is there any mention of the activation status of the processing task. Accordingly, this provides yet another independent basis for withdrawal of the rejection of Claim 1. As the First Office Action has not relied on Berggreen with respect to recitations [a], [b], [d], [f] or [g] discussed above, discussion of Berggreen is mooted for the sake of conciseness.

Thus, for each of the above reasons, Applicants respectfully submit that the cited art does not teach or suggest the invention of Claim 1, and hence the rejection of Claim 1 should be withdrawn.

#### **B The Rejections of Dependent Claims 2-12**

Claims 2-12 depend from Claim 1. As such, the rejections of these claims should be withdrawn for the same reasons, discussed above, that the rejections of Claim 1 should be withdrawn. Applicants also respectfully submit that Claims 2-12 are independently patentable over the cited art. However, in light of the numerous shortcomings with respect to the rejection of Claim 1, Applicants do not believe that it is necessary to further argue with respect to the patentability of dependent Claims 2-12.

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In re Janssen et al.  
Appln. Serial No. 09/942,135  
Filed August 29, 2001  
Page 13 of 13

### III. Conclusion

Applicants submit that the present application is in condition for allowance and the same is earnestly solicited. Should the Examiner have any matters outstanding of resolution, he is encouraged to telephone the undersigned at 919-854-1400 for expeditious handling.

Respectfully submitted,

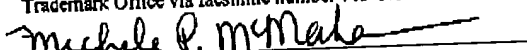


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